

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**TWENTY-FOURTH LEGISLATIVE DAY**  
**WEDNESDAY, JANUARY 30, 2008**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Black. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by James Cooper, Page.

### Approval of Journal

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

January 29, 2008

Mr. Speaker:

I transmit herewith **S 1247**, **S 1248**, and **S 1288** which passed the Senate.

WOOD, Secretary

**S 1247**, **S 1248**, and **S 1288** were filed for first reading.

### Report of Standing Committees

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 34**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **HCR 34**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

January 29, 2008

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 428** and recommend that it do pass.

STEVENSON, Chairman

**H 428** was filed for second reading.

January 29, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 353** and **H 381** and recommend that they do pass.

CLARK, Chairman

**H 353** and **H 381** were filed for second reading.

January 30, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 419** and **H 420** and recommend that they do pass.

LAKE, Chairman

**H 419** and **H 420** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 35 BY BUSINESS COMMITTEE

##### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FEASIBILITY AND EXPENSE OF PROVIDING SMALL BUSINESSES BETTER ACCESS TO AFFORDABLE HEALTH INSURANCE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, access to affordable health care and affordable health insurance is a huge issue facing Idaho small businesses; and

WHEREAS, small businesses find traditional underwriting practices make it difficult to provide affordable health insurance for their employees; and

WHEREAS, small businesses in Idaho find it more difficult to provide affordable health insurance to their workers than do larger businesses; and

WHEREAS, it would be desirable to have more Idaho small businesses provide health insurance to their workers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the feasibility and expense of providing small businesses easier and cheaper alternatives for providing their employees with affordable health insurance. The

Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

**HCR 35** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 431  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO THE SMALL EMPLOYER INCENTIVE ACT OF 2005; AMENDING SECTION 63-4402, IDAHO CODE, TO REVISE THE DEFINITION OF "TAX INCENTIVE CRITERIA."

**HOUSE BILL NO. 432  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO IMPACT FUNDS; AMENDING SECTION 57-1306, IDAHO CODE, TO PROVIDE FOR REMITTANCE OF FUNDS FROM THE SALES OF ROYALTIES, BONUSES OR RENTAL OF RENEWABLE ENERGY SOURCES ON LANDS OF THE FEDERAL GOVERNMENT TO THE VARIOUS COUNTIES FROM WHICH THE RESOURCES WERE DEVELOPED AND TO THE RENEWABLE ENERGY RESOURCES FUND, TO PROVIDE FOR WHAT THE MONEYS MAY BE USED AND TO DEFINE "RENEWABLE ENERGY RESOURCES."

**HOUSE BILL NO. 433  
BY RESOURCES AND CONSERVATION COMMITTEE  
AN ACT**

RELATING TO IRRIGATION DISTRICT ELECTIONS; AMENDING SECTION 43-208, IDAHO CODE, TO REVISE TIME REQUIREMENTS RELATING TO THE CANVASS OF RETURNS BY BOARDS OF DIRECTORS.

**HOUSE BILL NO. 434  
BY BUSINESS COMMITTEE  
AN ACT**

RELATING TO MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS; AMENDING SECTION 41-4402, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, TO REQUIRE THAT CERTAIN MEDICARE SUPPLEMENT PLANS BE AVAILABLE TO ALL ELIGIBLE INDIVIDUALS DURING CERTAIN PERIODS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 435  
BY BUSINESS COMMITTEE  
AN ACT**

RELATING TO PAYDAY LOANS; AMENDING SECTION 28-46-412, IDAHO CODE, TO REVISE PAYDAY LOAN PROCEDURES; AND AMENDING SECTION 28-46-413, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

**HOUSE BILL NO. 436  
BY BUSINESS COMMITTEE  
AN ACT**

RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE FOR COUNTYWIDE ENFORCEMENT OF THE INTERNATIONAL FIRE CODE.

**HOUSE BILL NO. 437  
BY BUSINESS COMMITTEE  
AN ACT**

RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE THAT THE INTERNATIONAL FIRE CODE SHALL APPLY TO STATE-OWNED BUILDINGS AND PREMISES AND TO PROVIDE THAT COUNTIES MAY BY ORDINANCE ADOPT PROVISIONS OF THE INTERNATIONAL FIRE CODE TO BE APPLIED TO AND ENFORCED ON PROPERTY LOCATED IN THE COUNTY; AMENDING SECTION 41-254, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE STATE FIRE MARSHAL AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 41-256, IDAHO CODE, TO CLARIFY THE AUTHORITY OF ASSISTANTS TO THE STATE FIRE MARSHAL AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 438  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602KK, IDAHO CODE, TO PROVIDE A TAX EXEMPTION FOR CERTAIN LOW-INCOME HOUSING AND TO PROVIDE FOR RULES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 439  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO INCOME TAXES; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO THE GROCERY TAX CREDIT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024A, IDAHO CODE, TO PROVIDE FOR INCOME TAX CREDITS OR REFUNDS TO CERTAIN RESIDENT INDIVIDUALS, TO PROVIDE PROCEDURES, TO PROVIDE A METHOD OF PAYMENT, TO PROVIDE A STATUTE OF LIMITATIONS, TO PROVIDE FOR THE DONATION OF CREDITS, TO PROVIDE FOR CANCELLATION OF A FUTURE ADJUSTMENT AND TO PROVIDE FOR THE APPLICATION OF AN INDEX TO FUTURE CREDIT AMOUNTS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**H 431, H 432, H 433, H 434, H 435, H 436, H 437, H 438,** and **H 439** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1247, S 1248,** and **S 1288,** by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 430,** by Appropriations Committee, was read the second time by title and filed for third reading.

**H 338, H 339, H 366, H 371,** and **H 365** by Transportation and Defense Committee, were read the second time by title and filed for third reading.

**S 1259,** by McGee, was read the second time by title and filed for third reading.

**H 390,** by Health and Welfare Committee, was read the second time by title and filed for third reading.

Mrs. Wood(35) asked for unanimous consent that **H 365** be placed on General Orders for consideration. There being no objection it was so ordered.

### Third Reading of Bills and Joint Resolutions

**H 351** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 351** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 351** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 354** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall **H 354** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Schaefer. Total -- 1.

Absent and excused--Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 354** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 356** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 356** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- Harwood. Total -- 1.

Absent and excused--Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 356** passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, January 31, 2008. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk